

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.08.2006

CORAM

THE HON'BLE MR. JUSTICE P. JYOTHIMANI

W.P.No.27457 & 27458 of 2006

A.Mariappan .. Petitioner in W.P.No.27457/06
A.Murugesan .. Petitioner in W.P.No.27458/06

vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Division-I,
No.12, Ramakrishna Road, Salem 636 007.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Division-I,
No.12, Ramakrishna Road, Salem 636 007.
.. Respondents in both WPs

Petitions filed under Article 226 of the Constitution of India, praying this Court for the issue of a Writ of Mandamus, directing the respondents to re-employ the petitioners as Conductor/Driver as per section 25H of the I.D.Act before appointing any new person as Conductor/Driver either by new recruitment or otherwise and award cost.

For Petitioner ... Mr.A.Sermaraj

For respondents ... Mr.A.Edwin Prabakar, GA

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ORDER

The petitioner in W.P.No.27457/2006 was employed as conductor on 25.5.1997 under the 2nd respondent and he was retrenched in September 2000. The petitioner in W.P.No.27458/2006 was employed as Driver under the 2nd respondent on 23.4.1999 and he was retrenched on 30.7.2006.

2.In these writ petitions, the petitioners claim their right to be re-employed in the event of the 2nd respondent making fresh appointment under section 25H of the Industrial Disputes Act in the respective post which they were holding.

3.Heard the learned counsel for the petitioner and Mr.A.Edwin Prabhakar, learned Government Advocate taking notice on behalf of the respondents.

4.Even though it is an admitted case that the petitioners were appointed in the 2nd respondent Corporation and subsequently removed from services, the petitioners may be entitled to for protection under section 25H of the Act, the fact remains that they have not made any representation to claim their right under the said provision of the Act. In view of the same, the writ petitions are disposed of with the following direction:

"(1) The petitioners are permitted to make representation to the 2nd respondent claiming their right under section 25H of the Industrial Disputes Act.

(2) On receipt of such representation, the 2nd respondent shall consider the same and pass orders of re-employment within a period of four weeks from the date of receipt of a copy of this order, subject to the condition that the petitioners are otherwise eligible for the post which they claim and if there is any vacancy available."

No costs.

ap

Sd/

Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Division-I,
No.12, Ramakrishna Road, Salem 636 007.

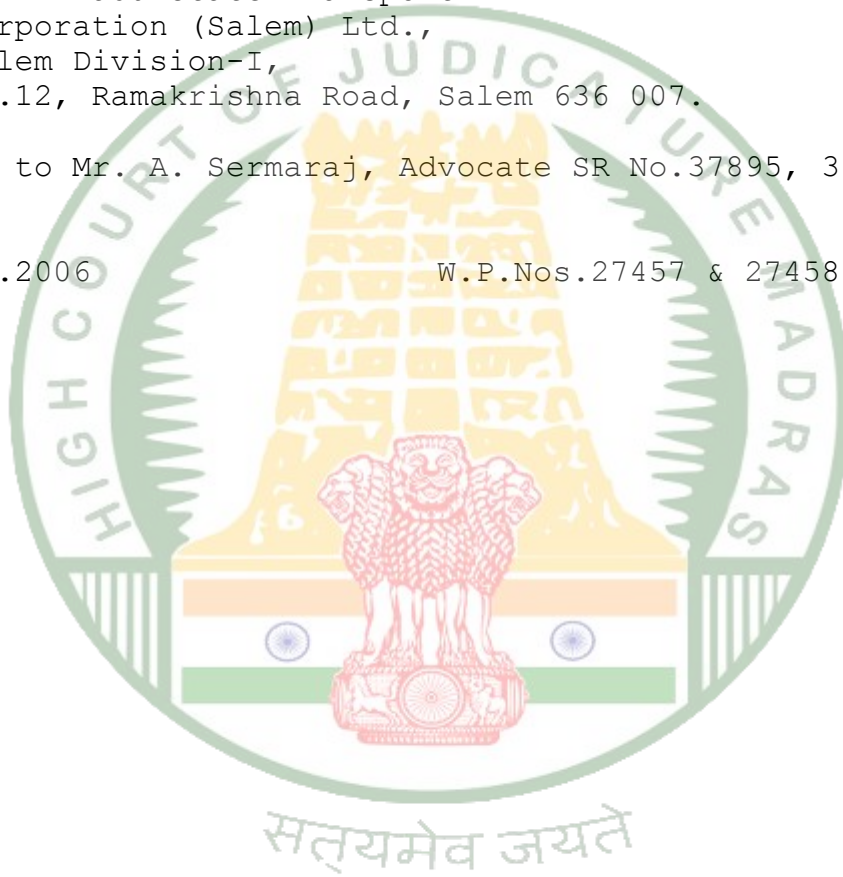
2. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Division-I,
No.12, Ramakrishna Road, Salem 636 007.

+ 2 ccs to Mr. A. Sermaraj, Advocate SR No.37895, 37894

VS (CO)

SR/29.8.2006

W.P.Nos.27457 & 27458 of 2006



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